

## **20.4 LOCAL ASSISTANCE DISPUTE RESOLUTION PROCESS**

The Local Assistance Dispute Resolution Process (LADRP) is an appeal process for local agencies to use when they disagree with the decision they receive from the Caltrans district office concerning their local assistance funded project on or off the State Highway System (SHS). Prompt payment rules may be suspended when the local agency enters into the LADRP.

This process is intended to address all local assistance funded project disputes off the SHS. For local assistance projects on the SHS, the LADRP is limited to disputes involving sanctions, invoices, local assistance policy or procedures, or other E-76 related issues between Caltrans and the local agency. This LADRP is not intended to address disputes involving cooperative agreement or encroachment permit requirements, project scope disagreements, design standard discrepancies, or other technical issues on SHS projects; as those disputes will be elevated for resolution by the Caltrans district office.

### **DISPUTE RESOLUTION PROCEDURES**

If an impasse is reached between Caltrans' district and the local agency, and the local agency desires to appeal the district's decision, the following procedure is to be used:

1. The local agency submits a written request for appeal to the District Local Assistance Engineer (DLAE). The request must fully describe the project issue and explain where there is agreement and disagreement between the district and the local agency. The request should include:
  - a) A detailed statement of the local agency's position on the issue.
  - b) A detailed statement of what the local agency believes the district's position to be.
  - c) Support material for the local agency's position statement including maps, plans, receipts, invoices, draft or executed agreements, pictures, logs, and other material needed to fully explain the local agency's position regarding the disputed issue.
  - d) The DLAE may request additional information to be provided by the local agency.
2. Within two weeks of receiving the local agency's request for appeal, the DLAE will forward the local agency's request package to Caltrans headquarters' Division of Local Assistance (DLA), Office of Policy Development and Quality Assurance. The request package is to be accompanied by a district memorandum and enclosures which should include:
  - a) A description of the steps taken to resolve the issue.
  - b) A detailed discussion of the items that are in dispute with references to sections in the manuals and policy memos that support the district's position.
  - c) The district's recommendation on the disputed items.

- d) All material provided in the local agency appeal request package.
  - e) Other information that supports the district's position such as an overview of the issue, any additional maps, plans, invoices, receipts, draft or executed agreements, pictures, logs, and other material needed to give a full explanation of the disputed issue that was not included in the local agency's appeal request package.
3. The district's appeal request memorandum and all enclosures should be sent to:

*California Department of Transportation  
Division of Local Assistance  
Office of Policy Development and Quality Assurance  
1120 N Street, MS - 1  
Sacramento, CA 95814*

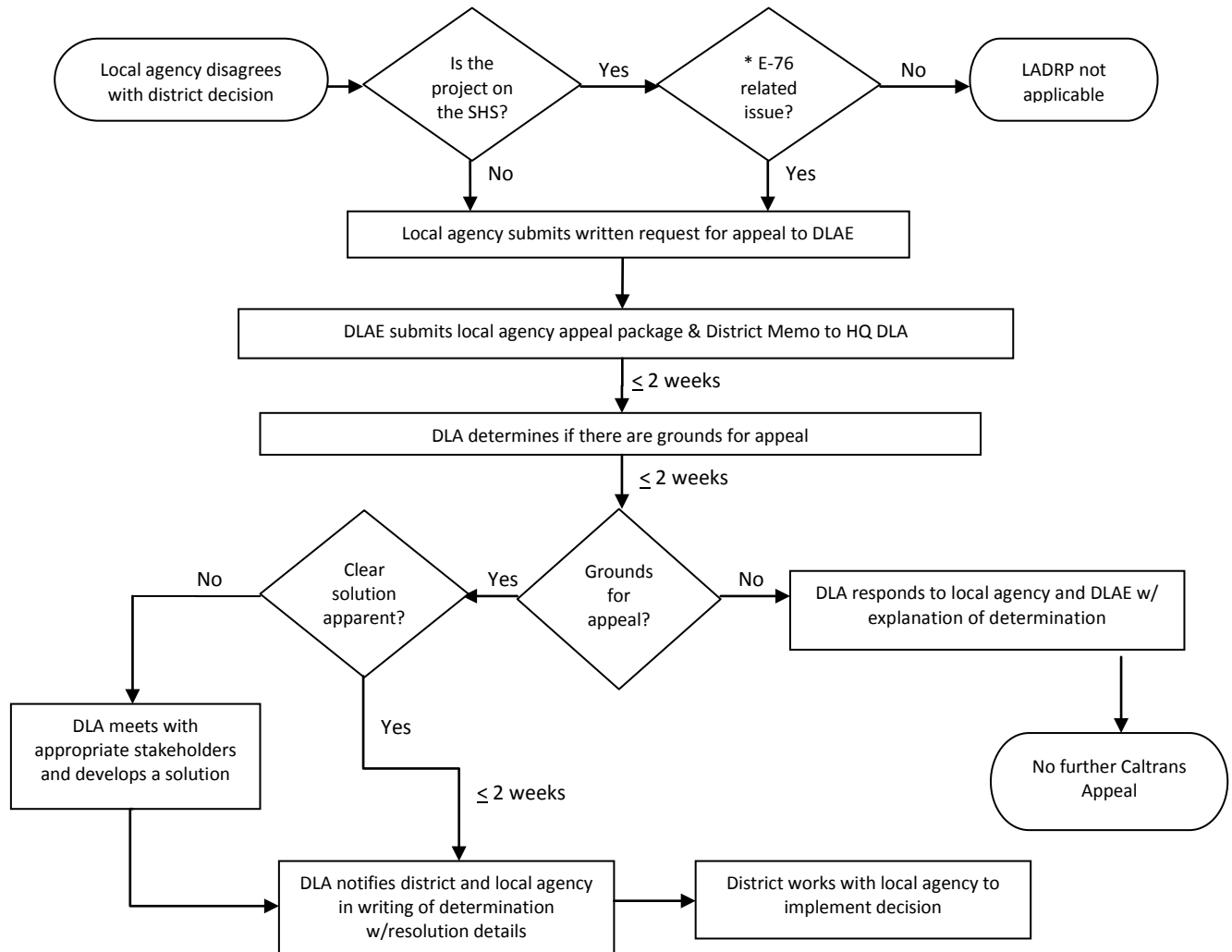
4. The DLA will review the appeal request and within two weeks of receipt from the DLAE, the Chief, Division of Local Assistance, will issue one of three following written responses:
- a) If the DLA does not find sufficient grounds or merit for the appeal, a decision letter stating the reasons for denying the appeal will be sent to the local agency with a copy to the DLAE.
  - b) If the DLA finds that there are sufficient grounds or merit for the appeal and a clear solution is apparent, a decision letter will be sent to the local agency, with a copy to the DLAE, describing the reasons for the decision and the resolution details.
  - c) If the DLA finds that sufficient grounds or merit for an appeal are evident but no clear solution is apparent, a decision letter will be sent to the local agency stating so, with a copy to the DLAE. DLA will next hold a meeting with appropriate stakeholders (local agency, district and headquarters representatives, and others the DLA believes are appropriate). At the meeting, the local agency and the district representative(s) may be asked to give a brief overview of the appeal and a discussion of the items in dispute. After evaluating all the information that has been provided and after consultation with the necessary and appropriate parties and/or agencies; a final decision will be issued in writing notifying the local agency of the resolution details with a copy to the DLAE.

## **IMPLEMENTING THE DLA DECISION**

If the local agency is agreeable to the decision and solution, the district will work with the local agency to implement the solution.

If the local agency is not agreeable to the determination and solution, there is no further appeal within Caltrans.

**Figure 20.1 Local Assistance Dispute Resolution Flowchart**



\* Sanction, invoice, policy, procedure, or E-76 related issue